

App]. No.: 10/660,004
Amdt. dated 09/02/2005
Reply to Official Action of May 5, 2005

REMARKS/ARGUMENTS

Applicants again appreciate the thorough examination of the present invention, as evidenced by the final Official Action. In addition, Applicants appreciate the Examiner taking the time to conduct a telephone interview with Applicants' undersigned attorney. The final Official Action continues to reject Claims 1-16 and 18-24, and now rejects previously presented Claim 25, under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,035,203 to Hanson. In addition, the Official Action continues to reject Claim 17 as being unpatentable over the Hanson patent, in view of U.S. Patent Application Publication No. 2002/0060215 to Graham.

As explained below, Applicants respectfully submit that the claimed invention of the present application is patentably distinct from the Hanson patent and Graham publication, taken individually or in combination. As such, Applicants respectfully traverse the rejections of the claims as being anticipated by the Hanson patent, or unpatentable over the Hanson patent in view of the Graham publication. In view of the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application. Alternatively, as the remarks presented herein do not raise any new issues and do not introduce any new matter, Applicants respectfully request entry of this correspondence for purposes of narrowing the issues upon appeal.

A. Claims 1-6 and 19-25 are Patentable

Independent Claims 1 and 19 recite a method and computer program product for obtaining a terminal location. As recited, the method includes defining at least one connection of the terminal. The terminal is monitored for establishment of a defined connection where, the defined connection is established by the terminal. The terminal is also monitored for termination of the defined connection after the defined connection is established. Termination of the defined connection, then, triggers obtaining a location of the terminal.

As explained in response to the first Official Action and during the telephone interview, in contrast to the claimed invention of independent Claims 1 and 19, the Hanson patent does not teach or suggest monitoring a terminal for a connection established by the terminal, and accordingly monitoring the terminal for termination of the established connection, the

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termination triggering obtaining the location of the terminal. At column 2, lines 10-15, the Hanson patent does explain that the location of the MTU is recorded at the time of disconnect of a call. Because the Hanson patent is silent as to the origin of such a call, whether at the MTU or the cellular network, the Examiner interprets this disclosure as referring to calls originating with either the MTU or the cellular network. As explained in response to the first Official Action and during the telephone interview, however, as the act of establishing a call by the terminal locates the terminal in the cell including the base station with which the terminal establishes communication, the location of the terminal need not be recorded upon disconnect of an MTU originated, calls since the location is already known from establishment of the call. *See* Hanson Patent, column 1, lines 25-27. Thus, in accordance with the only reasonable interpretation of the passage at column 2, lines 10-15, the location of the MTU is recorded at the time of disconnect of a network originated call and not an MTU originated call. *See also id.* at column 4, lines 11-12 (explaining that “[t]he process starts when a call comes in for the target MTU” – emphasis added). In contrast, the claimed invention recites obtaining the location of the terminal in response to a connection established by the terminal (e.g., a call coming from the terminal).

Applicants therefore respectfully submit that the claimed invention of independent Claims 1 and 19, and by dependency Claims 2-6 and 20-25, is patentably distinct from the system and method of the Hanson patent. Likewise, as the Graham publication does not teach or suggest triggering obtaining the location of a terminal upon termination of a connection established by the terminal, Applicants respectfully submit that the claimed invention of independent Claims 1 and 19, and by dependency Claims 2-6 and 20-25, is also patentably distinct from the Graham publication, and thus the combination of the Hanson patent and Graham publication. Applicants therefore respectfully submit that, for at least the reasons given above, the rejections of Claims 1-6 and 19-24 as being anticipated by the Hanson patent is overcome.

B. Claims 7-18 are Patentable

Independent Claims 7 and 13 recite a system and terminal. As recited, the system includes a terminal capable of establishing, and thereafter terminating, one or more defined

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connection(s), similar to the method and computer program product of independent Claims 1 and 19. As also recited, the terminal is capable of being triggered to obtain a location of the terminal upon termination of a defined connection. The system also includes a location provider capable of determining the location of the terminal upon termination of the defined connection, and thereafter providing the location to the terminal.

Similar to independent Claims 1 and 19, and in contrast to the Hanson patent and Graham publication, individually or in combination, independent Claims 7 and 13 recite obtaining the location of the terminal in response to termination of a connection established by the terminal. Thus, Applicants respectfully submit that the claimed invention of independent Claims 7 and 13, and by dependency Claims 8-12 and 14-18, is patentably distinct from the Hanson patent and Graham publication, individually or in combination, for at least the same reasons given above with respect to independent Claims 1 and 19.

Moreover, consider for the sake of argument (although expressly not admitted as such) that the Hanson patent could reasonably be interpreted to disclose recording the location of the MTU at the time of disconnect of an MTU-originated call. Even in such an instance, Applicants respectfully submit that under no reasonable interpretation does the Hanson patent teach or suggest that the terminal itself monitors for establishment and termination of a connection, where termination of the connection triggers the terminal to obtain its location, as recited by independent Claims 7 and 13. As disclosed by the Hanson patent, to permit a cellular network or system to locate a zone or location where a target MTU is most likely found, the MTU performs a periodic registration process that “allows the cellular system to locate the cell in which the MTU can presently be found.” Column 1, lines 42-52 (emphasis added). In this regard, the Hanson patent discloses a mobile switching center (MSC) of a cellular system, where the MSC includes a call processing and database node (CDN). The CDN, in turn, “maintains a record of the most recent location (“new cell”) where a particular MTU was most recently located and the time of the registration or location of that MTU.” *Id.* at column 3, lines 33-36; and see FIG. 1. Thus, as disclosed by the Hanson patent, the cellular network records the location of the MTU, as opposed to the MTU recording or otherwise obtaining its location, similar to the terminal of the claimed invention.

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Moreover, Applicants again note that as the Hanson patent is concerned with locating a mobile for mobile terminated calls, the cellular network is the only disclosed entity having a need for the mobile's location. More particularly, the Hanson patent provides a system and method for locating MTU within a cell of a cellular network such that the cellular network can terminate or otherwise establish a call at the terminal, including directing a page to the terminal via a base station of the respective cell. Thus, the MTU disclosed by the Hanson patent would have no need to obtain its own location for the cellular network to locate it for MTU-terminating calls. If the MTU were enabled to obtain its own location similar to the terminal of the claimed invention, the MTU would be required to transmit that location to the cellular network for use thereby to locate the MTU during a MTU-terminated call. However, as the mere transmission of a signal from the MTU allows the cellular network to obtain the location of the MTU, further including the MTU's location within such a signal would be superfluous and unnecessary.

Applicants therefore respectfully submit that the claimed invention of independent Claims 7 and 13, and by dependency Claims 8-12 and 14-18, is patentably distinct from the system and method of the Hanson patent. Likewise, as the Graham publication does not teach or suggest a terminal obtaining its location upon termination of a connection established by the terminal, Applicants respectfully submit that the claimed invention of independent Claims 7 and 13, and by dependency Claims 8-12 and 14-18, is also patentably distinct from the Graham publication, and thus the combination of the Hanson patent and Graham publication. Applicants therefore respectfully submit that, for at least the reasons given above, the rejections of Claims 7-18 as being anticipated by the Hanson patent, or unpatentable over the Hanson patent in view of the Graham publication, is overcome.

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CONCLUSION

In view of the remarks presented above, it is respectfully submitted that all of the claims of the application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application. As explained above, no new matter or issues are raised by this Amendment, and as such, Applicants alternatively respectfully request entry of this Amendment for purposes of narrowing the issues upon appeal.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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